

1 ELLIOT BLOCK SBN 116999
Chief Counsel
2 WENDY BRECKON SBN 182952
Senior Staff Counsel
3 HEATHER HUNT SBN 225861
Staff Counsel
4 Attorneys for Complainant
5 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
6 1001 I Street, 23rd Floor
P. O. Box 4025
7 Sacramento, CA 95812-4025
Telephone: (916) 341-6068
8 Facsimile: (916) 341-6082

9 STATE OF CALIFORNIA

10 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

11
12 In the Matter of:

13 IN THE MATTER OF:

14 TRI-C TIRE RECYCLING, INC.

15
16
17 TPID NO: 1443267-01

18 RESPONDENT.
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SUPPLEMENTAL ADMINISTRATIVE
DECISION FOR WASTE AND USED
TIRE HAULER ADMINISTRATIVE
PENALTIES

AGENCY NO. 2008-000003-REV
OAH NO. 2008060034

21 In the Matter of:

22 TRI-C TIRE RECYCLING, INC; PERMITEE

23 RE: TRI-C TIRE RECYCLING, INC. DBA

24 LESTER TIRE; LESTER TIRE DBA TRI-C

25 TIRE RECYCLING, INC.

26 TPID NO: 1464553-01

27 ASSESSOR PARCEL NO: 062-0060-041-0

28 RESPONDENT.

AGENCY NO. 2008-000002-REV
OAH NO. 2008060070

INTRODUCTION

The California Integrated Waste Management Board (CIWMB) issued an accusation on April 9, 2008, and an amended accusation on July 30, 2008, in Office of Administrative Hearing (OAH) case number 2008060034, seeking to revoke TRI-C TIRE RECYCLING, INC.'s (RESPONDENT) CIWMB Waste and Used Tire Hauler Registration (registration) in accordance with Public Resources Code (PRC) section 42960. CIWMB also issued an accusation for OAH case number 2008060070 on April 8, 2008, seeking to revoke the CIWMB Waste Tire Permit (permit) at 6241 Turner Road in Sacramento for TRI-C TIRE RECYCLING, INC; PERMITEE; TRI-C TIRE RECYCLING, INC; LESTER TIRE DBA TRI-C TIRE RECYCLING, INC. RESPONDENT timely appealed both accusations, the cases were consolidated by order of the OAH on July 15, 2008, and a hearing was scheduled for August 18, 2008.

On August 17, 2008, the parties negotiated a Stipulation for Issuance of Administrative Decision for the Revocation of Waste and Used Tire Hauler Registration, the Revocation of Minor Waste Tire Facility Permit, and Waste and Used Tire Administrative Penalties ("Stipulation") to resolve the issues in this consolidated case. The Stipulation was presented on August 18, 2008, prior to the Hearing, and the Hearing was postponed pending a Decision by the CIWMB. The terms of the Stipulation were adopted by CIWMB on August 19, 2008 in the Administrative Decision For the Revocation of Waste and Used Tire Hauler Registration and Waste and Used Tire Hauler Administrative Penalties ("Administrative Decision"); and the Administrative Decision for the Revocation of Minor Waste Tire Facility Permit. The following facts describe how Respondent has defaulted on the terms of the Stipulation, and therefore gives CIWMB the discretion to impose one hundred and twenty thousand dollars (\$120,000.00) in waste and used hauler administrative penalties.

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2. Paragraph 27(a) of the Administrative Decision states:

3. To date, CIWMB had received no payment from RESPONDENT. Instead, on September 23, 2008, RESPONDENT sent an email requesting a delay in the Stipulation's payment schedule because RESPONDENT claims that their customers are not paying them based on representations made by the CIWMB to their customers. On September 24, 2008, CIWMB responded by email, requesting that RESPONDENT provide specific reasons for needing the delay in writing together with substantiating documentation, and submit them to CIWMB by October 1, 2008. No further correspondence has been received from RESPONDENT.

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GOOD CAUSE APPEARING THEREFORE, the following order is hereby made:
TRI-C TIRE RECYCLING, INC. is ordered to pay an administrative penalty of one
hundred and twenty thousand dollars (\$120,000.00) less any payments already
received by the CIWMB.

Dated this 14th day of October, 2008.

Maria Reid Brown

1 **DECLARATION OF SERVICE BY CERTIFIED MAIL**

2 Case Name: In the Matter of: TRI-C TIRE RECYCLING, INC. and TRI-C TIRE RECYCLING, INC;

3 PERMITEE RE: TRI-C TIRE RECYCLING, INC. dba LESTER TIRE

4 TPID Nos: 1464553-01 and 1443267; Agency Case No's.: 2008-000002-REV and 2008-000003-REV;

5 OAH No's. 2008-060034 and 2008-060070.

6 I declare:

7 I am employed by the Legal Office of the California Integrated Waste Management Board, which is the
8 office of a member of the California State Bar under which member's direction this service is made. I am
9 18 years of age or older and not a party to this matter. I am familiar with the business practice of the
10 California Integrated Waste Management Board for collection and processing of correspondence for
11 mailing with the United States Postal Service. In accordance with that practice, correspondence placed in
12 the internal mail collection system at the Legal Office of the California Integrated Waste Management
13 Board is deposited with the United States Postal Service that same day in the ordinary course of
14 business.

15 On October 14, 2008, I served the following:

16 **SUPPLEMENTAL ADMINISTRATIVE DECISION FOR WASTE AND USED TIRE**
17 **HAULER ADMINISTRATIVE PENALTIES**

18 by placing a true copy in a sealed envelope with certified mail delivery postage thereon to be fully
19 prepaid, in the internal mail collection system at the California Integrated Waste Management Board,
20 addressed as follows:

21 Addressee(s):

22 Louis Gonzalez
WEINTRAUB GENSHLEA CHEDIAK
Law Corporation
400 Capitol Mall, 11th Floor
Sacramento, California 95814

23 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
24 correct.

25 Executed on the 14th day of October, 2008, at Sacramento, California.


Gloria Bell
Declarant